

REMARKS

Status of the Claims

After amendment, claims 1-72 are pending. Claims 49-72 are new, claims 25-48 continue to be withdrawn and rejoinder is requested, and claims 8-9 have been canceled. Claims 1-7 and 10-24 currently stand rejected.

Examiner's Request for Amendment of the Specification

Amendment of the cross-reference to a priority document was requested to include the U.S. Pat. No. of the parent patent application 10/419,882. While the patent application 10/419,882 has been allowed, the patent has not issued, and therefore Applicants cannot comply with the Examiner's request at the present time. Applicants will amend the specification appropriately, when the patent number is obtained.

Objection to Claim 9

Claim 9 was objected to as being dependent upon a rejected base claim, indicating that the claim would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Amendment of the Claims

Amendments to claims 1-5, 7, 11, 12, 14-20, 23-25, 28-29, 32, 37-39, 41-42, 44, and 46, and new claims 49-72 are, at least, supported by page 2 lines 9-24, page 3 lines 8-11, page 5 lines 1-7 and 10-25, page 6 lines 1-6 and 16-21, page 7 lines 3-24, page 8 lines 7-26, page 9 lines 1-3, page 10 lines 1-3, page 22 lines 2-7 and 19-22, page 25 lines 22-25, page 26 lines 1-6, page 27 lines 20-22, page 29 lines 21-25, page 30 lines 1-25, and page 31 lines 1-4, and original claims 1-22. Certain amendments were made to clarify the language of the claims.

Rejection of claims 1-4, 6, 12-13 and 16-19 under 35 U.S.C. §102(b)

as anticipated by Verbiscar (US 5,356,881)

In view of Verbiscar ('881), claims 1, 5, 9, 18, 21, and 24-25 were rejected under 35 U.S.C. §102(b) as anticipated. Independent claim 1 has been amended to include the limitations

of claim 9, and, as amended, should be allowable. Since claims 2-4, 6, 12-13 and 16-19 depend from claim 1, these claims should be allowable as well. Applicant respectfully requests that the rejection of claims 1-4, 6, 12-13 and 16-19 be withdrawn.

Rejection of claims 1-4, 10, 12-16 and 18-20 under 35 U.S.C. §102(e)
as anticipated by Brown (US 6,395,290)

In view of Brown ('290), claims 1-4, 10, 12-16 and 18-20 were rejected under 35 U.S.C. §102(e) as anticipated. As explained above, independent claim 1, as amended to include the limitations of claim 9, should be allowable, and Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant further submits that, because claims 2-4, 10, 12-16, and 18-20 depend from claim 1, they should also be allowable.

Rejection of claims 1-7, 12-13, 15-17, and 23 under 35 U.S.C. §102(b) as
anticipated by Mason et al. (US 5,290,557)

In view of Mason et al. ('557), claims 1-7, 12-13, 15-17, and 23 were rejected under 35 U.S.C. §102(b) as anticipated. As explained above, independent claim 1, as amended to include the limitations of claim 9, should be allowable, and Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant further submits that, because claims 2-7, 12-13, 15-17 and 23 depend from claim 1, they should also be allowable.

Rejection of claims 1, 8 and 10-11 under 35 U.S.C. §102(e) as anticipated by Hoffman et al. (US
2003/0198659 A1)

In view of Hoffman et al. (2003/0198659 A1), claims 1, 8 and 10-11 were rejected under 35 U.S.C. §102(e) as anticipated. Claim 8 was canceled. As explained above, independent claim 1, as amended to include the limitations of claim 9, should be allowable, and Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant further submits that, because claims 10-11 depend from claim 1, they should also be allowable.

Rejection of claims 1 and 23-24 under 35 U.S.C. §103(a) as being
unpatentable over Verbiscar or Brown, in view of Colavito (US 5,738,851)

In view of Verbiscar ('881) or Brown ('290), in view of Colavito ('851), claims 1 and 23-24 were rejected under 35 U.S.C. §103(a) as being unpatentable. As discussed above, independent claim 1, as amended to include the limitations of claim 9, should be allowable, and Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant further submits that, because claims 23-24 depend from claim 1, they should also be allowable.

Rejection of claims 1 and 21 under 35 U.S.C. §103(a) as being
unpatentable over Verbiscar, Brown or Mason

In view of Verbiscar ('881), Brown ('290), or Mason et al. ('557), claims 1 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable. As pointed out above, independent claim 1, as amended to include the limitations of claim 9, should be allowable, and Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant further submits that, because claim 21 depends from claim 1, it should also be allowable.

Provisional Obviousness-Type Double Patenting Rejection

Claims 1-4, 14, 20 and 22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26-27 of copending Application No. 10/419,882. A terminal disclaimer is submitted with this Amendment that overcomes this provisional rejection.

New Claims 49-72

Original claim 22 was only provisionally rejected under Obviousness-Type Double Patenting. Thus, new claim 49, which is original claim 22 rewritten in independent form to include the limitations of claim 1, should be allowable, based on the submission of the Terminal Disclaimer. Claims 50-72 depend from independent claim 49, and because claim 49 is allowable, claims 50-72 are also allowable.

Applicant requests Rejoinder of claims 25-48

Applicant submits that the pending claims are in condition for allowance, which action is respectfully requested. The withdrawn claims have been amended in accordance with the modification of the elected claims. As such, applicant requests that claims 25-48 be rejoined in accordance with the provisions of MPEP § 821.04.

Conclusion

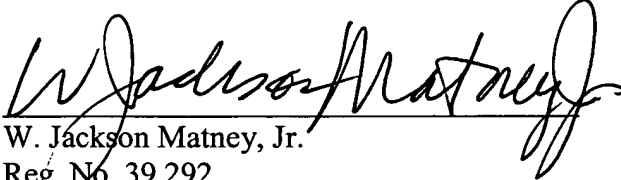
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 3740-0355 (95176694-003001).

Respectfully submitted,

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